

Scotland

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THE
PROTESTATION
OF THE GENERALL
ASSEMBLIE OF THE
CHURCH OF SCOTLAND, AND OF
THE NOBLEMEN, BARONS,
GENTLEMEN, BORROWES, MI-
NISTERS AND COMMONS;

pb 13

Subscribers of the Covenant, lately
renewed, made in the high Kirk, and at the
Mercate Crosse of Glasgow, the 28, and 29.
of November 1638.

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in the Yeare of Grace, 1638.



The Protestation of the generall Assembly of the Church of SCOTLAND, &c.



EE Com-
missioners from
Presbyteries ,
Burghes, and U-
niversities, now
conveened in a
full and free As-
sembly of the
Church of Scot-
land , indicted
by his Majestie,
and gathered
together in the
Name of the
Lord Jesus Christ

the only Head , and Monarch of his owne Church; And Wee Noblemen, Barons, Gentlemen, Ministers , Burgesses and Commons, Subscribers of the Confession of Faith , Make it knowne that where Wee His Majesties loyall Subjects of all degreces, considering and taking to heart the many and great innovations and corruptions lately by the Prelats and their adherents intruded into the doctrine, worship , and discipline

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of this Church, which had beene before in great puritie to our unspeakable comfort established amongst us, were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assembly, as the only legall and readie meane to try these innovations, to purge out the corruptions, and settle the order of the church, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: It pleased his gracius Majestie, out of his Royall bountie, to direct unto this Kingdome, the Noble and Potent Lord, James Marques of *Hamiltoun*, with Commission to heare and redresse the just grievances of the good Subjects, who by many petitions, and frequent conferences, being fully informed of the absolute necessitie of a free generall Assembly, as the only Judicatorie which had power to remedie those evils, was pleased to undergoe the paines of a voyage to *England* for presenting the pitifull condition of our Church to his sacred Majestie; And the said Commissioner his Grace returned againe in August last, with power to indict an Assembly, but with the condition of such prelimitati-
ons, as did both destroy the freedome of an Assem-
blie, and could no wayes cure the present di-
seases of this Church: which was made so clearly
apparent to his Grace, that for satisfying the rea-
sonable desire of the Subjects, groaning under the wea-
riness and prejudices of longsome attendance, Hee
was againe pleased to under-take another journey to
His Majestie, and promised to endeavour to obtaine
a free Generall Assembly, without any prelimitati-
on, either of the constitution and members, or mat-
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ters to be treated, or manner, and order of proceeding, so that if any question should arise concerning these particulars, the same should bee cognosced, judged, and determined by the Assemblie, as the onely judge competent: And accordingly by warrant from our Sacred Soveraigne, returned to this Kingdome, and in September last, caused indist a free Generall Assemblie, to be holden at *Glasgow*, the 21. of November instant, to the unspeakable joy of all good Subjects and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations; and the finall remedie of their pressing grievances: But these hopes were soone blasted: for albeit the Assemblie did meet and begin at the appointed day, and hath hitherto continued, still assisted with his Graces personall presence, yet His Grace hath never allowed any freedome to the Assemblie, competent to it by the Word of God, acts and practise of this church, and his Majesties Indiction, but hath laboured to restraine the same, by protesting against all the acts madetherein, and against the constitution therof by such members, as by all law reason and custome of this church were ever admitted in our free Assemblies, and by denying his approbation to the things proponed and concluded, though most cleare, customable, and uncontraverted.

And now since his Grace after the presenting and reading of his own commission from our sacred Soveraigne, and after his seeing all our commissions from Presbyteries and Burghes produced and examined, and the assembly constitute of all the mem bers by unanimous consent, doth now to our greater grieve without any just cause or occasion offered by us, unexpectedly

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expectedly depart and discharge any further meeting, or proceeding in this Assembly, under the paine of treason, and after seven dayes sitting, declare all Acts made, or heereafter to be made in this Assembly, to be of no force nor strength, and that for such causes as are either expressed in his Majesties former proclamations, (and so are answered in our former protestations) or set down in the declinatour, and protestation presented in name of the Prelats, (which are fully cleared in our answere made thereto) or else were long since proponed by the Commissioner his G. in his eleven articles of demands sent unto us, before the induction of the Assembly (and so were satisfied by our answers, which his Grace acknowledged, by promising after the receipt thereof to procure a free generall Assembly, with power to determine upon all questions, anent the members, manner, and matters thereof) all which for avoyding tediousnesse we cease to repeat: Or otherwise the said causes alleadged by the Commissioner, were proponed by His Grace, in the Assemblie, such as first, that the Assenblie refused to reade the Declinatour and Protestation exhibited by the Prelats, which nevertheless was publicklie read and considered by the assemblie, immediatly after the election of a Moderatour and constitution of the Members, before the which, there was no assemblie established, to whom the same could have been read: Next that ruling Elders were permitted to have voyce in the election of commissioners from Presbyteries, which was knowne to His grace, before the induction and meeting of the assembly, and is so agreeable to the acts and practise of this church, inviolably obseived before the late times of corruption,

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tion, that not one of the assembly doubted thereof, to whom by the induction and promise of a free assembly, the determination of that question, anent the members constituent propertie belonged.

And last, that the voyces of the six Asseffors, who did sit with his Grace, were not asked and numbered, which we could not conceave to bee any just cause of offence, since after 39. Nationall assemblies of this reformed church, where neither the Kings Majestie, nor any in his name was present, at the humble and earnest desire of the assembly, His Majesty graciously vouchsifed His presence either in His owne Royall Person, or by a commissioner, not for voting or multiplying of voyces, but as Princes and Emperours of old, in a Princely manner to countenance that meeting, and to preside in it for externall order; and if Wee had beene honoured with His Majesties personall presence, His Majestie (according to the practise of King James of blessed memorie) would have onely given his own Judgment in voting of matters, and would not have called others who had not been cloathed with commission from the church to carry things by pluralitie of voyces.

Therefore in conscience of our duetic to God and his trueth, the King and his honour, the Church and her liberties, this Kingdome and her peace, this Assemblie and her freedome, to our selves and our safetie to our Posteritie, Persons and Estates, We professe with sorrowfull and heavie, but loyall hearts: That Wee cannot dissolve this Assemblie, for the reasons following.

1. For the reasons alreadie printed anent the necessitie of conyeening a generall Assemblie, which are now

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now more strong in this case, seeing the assemblie was alreadie indicted by his Maiesties authoritie, did conveene, and is fully constitute in all the members thereof, according to the Word of GOD, and discipline of this church, in the presence and audience of his Maiesties Commissioner; who hath reallie acknowledged the same, by assisting therein seven dayes, and exhibition of His Maiesties Royall Declaration, to bee registrate in the booke of this assemblie, which accordingly is done.

2. For the reasons contained in the former Protestations made in name of the Noblemen, Barons, Burgesses, Ministers, and Commons, whereunto We doe now iudicially adhere, as also unto the Confession of Faith and covenant, subscribed and sworne by the body of this Kingdome.

3. Because as Wee are obliged by the application and explication subioyned necessarily to the Confession of Faith subscribed by Us; So the Kings Maiestie, and his Commissioner, and Privie Councell, have urged many of this kingdome to subscribe the Confession of Faith made in anno 1580. and 1590: and so to returne to the doctrine and discipline of this Church, as it was then professed: But it is cleare by the doctrine and discipline of this church, contained in the booke of Policie then registrate in the booke of assemblie, and subscribed by the Presbyteries of this church; That it was most unlawfull in it self, and prejudicall to these privileges which Christ in his Word hath left to his church, to dissolve or breake up the assemblie of this church, or to stoppe and stay their proceedings in constitution of acts for the welfare of the church, or execution of discipline

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discipline against offenders ; and so to make it appeare , that Religion and Church-government should depend absolutely upon the pleasure of the Prince.

4. Because there is no ground of pretence either by Act of Assemblie , or Parliament , or any proceeding practice , whereby the Kings Majestic may lawfully dissolve the Generall Assemblie of the Church of *Scotland* , far lesse His Majesties Commisioner , who by his commission hath power to indict and keep it , *secundum legem & praxim* : But upon the contrary , His Majesties prerogative Royall , is declared by Act of Parliament , to be nowayes prejudicall to the privilegedes and liberties , which God hath granted to the spirituall office-bearers , and meetings of this Church ; which are most frequently ratified in Parliaments , and especially in the last Parliament holden by His Maiestie himself ; which privilegedes and liberties of the church , his Maiesty will never diminish or infringe , being bound to maintaine the same in integrarie by solemne oath given at His Royall Coronation in this Kingdome.

5. The Assemblies of this Church have still enjoyed this freedome of uninterrupted sittig , without or notwithstanding any contramand , as is evident by all the Records thereof ; and in speciall by the generall Assembly holden in *anno 1582.* which being charged with letters of Horning by the Kings Majestic his Commissioner and Counsell , to stay their processe against Master *Robert Montgomerie* , pretended Bishop of *Glasgow* , or otherwise to dissolve and rise , did notwithstanding shew their libertie and freedome , by continuing

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and sitting still, and without any stay, going on in that processe against the said Master *Robert*, to the finall end thereof: And thereafter by letter to his Maiestie, did shew clearly, how far his Majestie had been uninformed, and upon misinformation, pre-judged the prerogative of *Jesus Christ*, and the liberties of this Church, and did enact and ordaine, that none should procure any such warrant or charge under the pain of excommunication.

6. Because now to dissolve, after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many references of processes from Presbyteries, after the publick indiction of the Assemblie, and the solemne Fast appointed for the same, after frequent convention, formall constitution of the Assemblie in all the members thereof, and seven dayes sittng, were by this act to offend God, contemne the Subjects petitions, deceive many of their conceived hopes of redresse of the calamities of the Church and Kingdome, multiply the combustions of this Church, and make every man despaire heereafter ever to see Religion established, Innovations removed, the Subjects complaint respected, or the offenders punished with consent of authoritie, and so by casting the church loose and desolate, would abandon both to ruine.

7. It is most necessary to continue this Assemblie for preveening the prejudices which may ensue upon the pretence of two Covenants, whereas indeed there is but one, That first subscribed in 1580. and 1590. being a Nationall covenant and oath

oath to God ; which is lately renewed by Us, with that necessary explanation , which the corruptions introduced since that time contrary to the same , inforced : which is also acknowledged by the Act of councell in September last , declaring the same to bee subscribed , as it was meaneed the time of the first subscription: And therefore for removing that shame , and all preiudices which may follow upon the shew of two different covenants and confessions of Faith in one Nation, The **Assemblie** cannot dissolve , before it trye , finde and determine,, that both these covenants, are but one and the selte same covenant : The latter renewed by Us , agreeing to the true genuine sense and meaning of the first , as it was subscribed in *anno 1580.*

For these and many other reasons , Wee the Members of this assemblie , in our owne name , and in the name of the Kirk of *Scotland* , whom Wee represent ; and Wee Noblemen , Barons , Gentlemen , Ministers , Burgesles , and Commons before mentioned , doe solemnly declare in the presence of the everliving God, and before all men; And protest ,

1. That our thoughts are not guiltie of any thing which is not incumbent to us , as good Christians towardes God , and loyall Subjects towardes our sacred Soveraigne.

2. That all the Protestations generall or particular , proponed or to bee proponed by the commisioner his Grace, or the Prelites and their adhrents, may bee presentlie discussed before this generall Assemblie, being the highest Ecclesiasticall iudicatore

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catorie of this kingdome : and that his Grace de-
part not till the same be done,

3. That the Lord commissioner depart not, till
this Assemblie do fully settle the solide peace of
this church, cognoscing and examining the corruptions
introduced upon the doctrine and discipline thereof :
and for attaining hereof , and removing all iust ex-
ceptions which may bee taken at our proceedings ,
we attest *GOD* the searcher of all hearts , that our
intentions, and whole proceedings in this present
assemblie, have beene, are, and shall be according to
theword of *GOD*, the lawes and constitutions of this
church, the confession of faith ; our nationall oath,
and that measure of light, which *GOD* the father of
light shall grant us, and that in the saceritie of our
hearts, without any preoccupation or passion..

4. That if the Commissioner his Grace depart and
leave this church and kingdome in this present dis-
order , and discharge this assemblie, that it is both
lawfull and necessarie for Us to sit still and conti-
nue in keeping this present Assemblie ; indicted by
His Majestie, till we have tryed, judged , censured
all the bygone evils, and the introductors, and pro-
vided a solide course for continueing Gods trueth
in this land with puritie and libertie, according to
his Word, our oath and Confession of Faith, and
the lawfull constitutions of this Church ; and that
with the grace of God, Wee and every one of Us
adhering hereunto , shall sit still and continue in
this Assemblie, till after the finall settling and con-
clusion of all matters , it be dissolved by common
consent of all the members thereof.

5. That this Assemblie is and should be este-
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med and obeyed, as a most lawfull, full and free generall Assemblie of this Kingdome: And that all acts, sentences, constitutions, censures and proceedings of this Assemblie, are in the self, and should be reputed, obeyed and observed by all the Subjects of this Kingdome, and members of this Church, as the actions, sentences, constitutions, censures and proceedings of a full and free generall Assemblie of this Church of *Scotland*, and to have all ready execution, under the Ecclesiasticall paines contained, or to bee contained therein, and conforme thereto in all points.

6. That whatsoever inconvenience fall out, by impeding, molesting, or staying the free meeting, sitting, reasoning, or concluding of this present Assemblie, in matters belonging to their judicatorie, by the word of God, lawes & practice of this Church, and the confession of faith, or in the observing and obeying the acts, ordinances and conclusions thereof, or execution to follow thereupon: That the same be not imputed unto Us, or any of Us, who most ardently desired the concurrence of his Maiesties Commissioner to this lawfull Assembly: But upon the contrare, that the Prelats and their adherentes, who have protested and declined this present Assemblie, in conscience of their own guiltinesse, not dareing to abide any legall tryall, and by their misinformation have moved the Commissioner his Grace to depart and discharge this Assembly, bee esteemed repute and holden the Disturbers of the Peace, and Overthrowers of the Liberties of the Church, and guilty of all the evils which shall follow heereupon, and condignely censured; according to the greatness

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nesse of their fault, and Acts of the Church and Realme: And to this end, Wee againe and againe doe by these presents cite and summond them, and every one of them, to compeere before this present generall Assembly, to answere to the premis- ses, and to give in their reasons, defences, and answeres against the complaints given in, or to bee given in against them, and to heare probation led, and sentence pronounced against them, and conforme to our former citations, and according to Justice with certification as effectis. Like as by these presents Wee summond and cite all those of His Majesties Councell, or any other, who have procured, consented, subscribed, or ratified this present Proclamation, to bee responsible to His Majestie and three Estates of Parliament, for their counsell given in this matter, so highly importing His Majestie, and the whole Realme, conforme to the 12. Act, King James 4. Parliament 2. And protest for remedie of law against them, and every one of them:

7. And lastly Wee protest, that as Wee adhere to the former Protestations all and every one of them, made in the name of the *Noblemen, Barons, Gentlemen, Ministers, Burghes, and Commons*; So seeing Wee are surprised by the Commissioner his Graces sudaine departing, farre contrary to His Majesties induction, and our expectation, Wee may extend this our Protestation, and adde more reasons thereunto in greater length and number, whereby Wee may fully cleare before God and man, the equitie of our intentions, and Lawfulness of our proceedings: And upon the whole

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whole premisses, the foresaids persons for themselves,
and in name aforesaid asked Instruments. This
was done in the high Church of *Glasgow*, in pub-
licke audience of the Assemblie, begun in presence
of the Commissioner his Grace, who removed
and refused to heare the same to the end, The
twentie eight day of November: and up-
on the Mercate Crofse of *Glasgow*,

The twentie ninth day of
the said moneth, The
yeare of *G O D*,
1638.
respectively.

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